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September 15, 2023

The Honorable Trina L Thompson
United States District Court
Northern District of California
San Francisco Courthouse, Courtroom 9 – 19th Floor
450 Golden Gate Avenue, San Francisco, CA 94102
Submitted via ECF

Re: *Stebbins v. Google LLC*, No. 3:23-cv-00322-TLT

Your Honor:

This Court’s August 31, 2023 Order (Dkt. No. 71) directed Plaintiff, Mr. Stebbins, to delete all recordings he surreptitiously made of conversations with Google. When Mr. Stebbins failed to respond to Google’s inquiry regarding his compliance, the Court issued a September 13, 2023 Order to Show Cause (Dkt. No. 75), and directed Google to submit its billing records reflecting time spent attempting to enforce the August 31, 2023 Order. We attach those records as Exhibit A.

We also must call the Court’s attention to a representation Mr. Stebbins made to the Court in Dkt No. 76, Mr. Stebbins’ September 14, 2023 Response to the Order to Show Cause. In paragraph 7 of that filing, Mr. Stebbins states that he complied with the Court’s August 31, 2023 Order to delete a specific recording on the same evening as that Order—arguing there was no need for Google to raise concerns with the Court. As proof of that deletion, Mr. Stebbins offers the Court a screen capture from his computer, which he posted on YouTube at <https://www.youtube.com/watch?v=Q0JvEM7zEfl>, showing him deleting a file. He tells the Court that “if you look in the bottom-right corner of the screen, you can see this happened on the evening of August 31, 2023, the same day the Court issued its order.” Dkt. No. 76, ¶ 7.

But Mr. Stebbins’ own screen capture appears to refute his representation to the Court. In the first few seconds of the video, one can see a collection of file folders on Plaintiff’s computer. Two of those folders display modification timestamps of 9/13/2023 6:41 PM and 9/13/2023 6:56 PM, two weeks after he claimed to have filmed the video of him deleting the file. Another folder shows a modification timestamp of 9/2/2023 6:39 PM. See Exhibit B. It thus appears that Plaintiff did not “immediately” delete the recording on August 31 as the Court ordered, and as Mr. Stebbins claims he did. Rather, Plaintiff appears to have deleted the file no

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earlier than the evening of September 13—only after Google raised compliance concerns and after the Court issued its Order to Show Cause—and then altered the date on his computer to create the impression of compliance.

Respectfully submitted,

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/s/ Ryan Benyamin
Ryan Benyamin